

RESOLUTION NO. 2015-079

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT TO
PURCHASE TAX-DEFAULTED PROPERTIES FROM SACRAMENTO COUNTY
[ASSESSOR PARCEL NUMBERS 132-0320-001, 132-0720-026, AND 119-1270-046]
AND FINDING THE ACQUISITIONS OF THREE PROPERTIES TO BE EXEMPT FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, pursuant to State Revenue and Taxation Code, properties that are determined to be in default for unpaid property taxes for five years or more are periodically put up for public auction for a minimum bid amount of delinquent taxes due plus costs; and

WHEREAS, the City Council approved Resolution No. 2015-009 authorizing the City Manager to execute an application to purchase tax de-faulted properties; and

WHEREAS, the City has received a purchase agreement for three tax-defaulted properties: Sacramento County APNs 132-0320-001, 432-0720-026 and 119-1270-046; and

WHEREAS, the County has prepared one agreement for the purchase of the three properties, thereby saving the City \$4,070, as each agreement's processing fee is \$2,035; and

WHEREAS, the expected Effective Date of the Chapter 8 Agreement Sale is September 30, 2015 and the expected date of ownership of the parcels is October 21, 2015, and

WHEREAS, the City will conduct due diligence activities prior to final purchase and may withdraw its application to purchase a parcel at any time during the Chapter 8 Agreement Sale process; and

WHEREAS, the purchase price for Sacramento County APN 132-0320-001 is \$76,189, which is at or below fair market value and also determined by the Tax Collectors Office to be an amount sufficient to redeem all defaulted taxes, assessments, and all associated penalties and costs, as defined in Revenue and Taxation Code 3793.1; and

WHEREAS, the purchase price of \$10,000 each for Sacramento County APNs 132-0720-026 and 119-1270-046 is representative of fair market value. Both properties had previously been offered at a tax sale and received no bid, as defined in Revenue and Taxation Code 3793.1; and

WHEREAS, funding for each real property purchase will be from funds set aside for Kammerer Road, Whitelock Parkway Landscaping and the Laguna Creek Open space Preserve Trail projects; and

WHEREAS, The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereinafter referred to as CEQA) requires analysis of agency approvals of discretionary “projects”. A “project”, under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the acquisition of the three subject properties to be exempt from CEQA pursuant to the following finding:

Finding: That the acquisition of APNs 132-0320-001, 132-0720-026, and 119-1270-046 is exempt from the California Environmental Quality Act (CEQA).

Evidence: These sites are exempt from CEQA as follows:

1. Acquisition of APN 132-0320-001 is covered under the Environmental Impact Report prepared for the Southeast Policy Area (SEPA EIR), which covered the adoption of the Southeast Policy Area Community Plan and zoning (the SEPA SPA). These documents specifically identified the widening of Kammerer Road at this site to six lanes. A mitigation monitoring and reporting program (MMRP) was adopted as part of the SEPA EIR. Therefore, pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, and Zoning), no further environmental review is required.
2. Acquisition of APN 132-0720-026 will facilitate the improvement of the property with landscaping and pedestrian improvements. State CEQA Guidelines Section 15304 (Minor Alterations to Land) provides an exemption to CEQA involving landscaping and minor grading. The proposed use of the property is consistent with this exemption and no further environmental review is required.
3. Acquisition of APN 119-1270-046 will allow the City to maintain designated wetland preserves in perpetuity. State CEQA Guidelines Section 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions) provides an exemption for land acquisitions when the transfer provides for the preservation of existing natural conditions, the restoration of natural conditions, and the preservation of open space. The proposed use of the property is consistent with this exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove authorizes the City Manager to execute a Purchase Agreement to Purchase Tax-Defaulted Property from County, identified as Sacramento County APNs 132-0320-001, 132-0720-026, and 119-1270-046, and to take all action and execute all documents reasonably necessary to complete the purchase of these properties.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of April 2015.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-079

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 8, 2015 by the following vote:

AYES : COUNCILMEMBERS: Davis, Hume, Detrick, Ly, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California